

WARING FLOOR AMENDMENT

SENATE AMENDMENTS TO S.B. 1033

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 28-1559, Arizona Revised Statutes, is amended to  
3 read:

4 28-1559. Traffic case records; abstract of record; reports

5 A. Each magistrate, judge or hearing officer of a court shall:

6 1. Keep or cause to be kept a record of each traffic complaint or  
7 other legal form of traffic charge deposited with or presented to the court  
8 or its traffic violations bureau.

9 2. Keep a record of each official action by the court or its traffic  
10 violations bureau in reference to each traffic complaint or other legal form  
11 of traffic charge deposited with or presented to the court or its traffic  
12 violations bureau, including but not limited to a record of:

13 (a) Each conviction, forfeiture of bail or deposit, judgment of  
14 acquittal or civil adjudication.

15 (b) The amount of the civil penalty, fine or forfeiture resulting from  
16 each traffic complaint deposited with or presented to the court or traffic  
17 violations bureau.

18 B. Within ten days after the conviction, judgment or forfeiture of  
19 bail or deposit of a person on a charge of violating chapter 3 or 4 of this  
20 title or this chapter or any other law regulating the operation of vehicles  
21 on highways, each magistrate of the court or clerk of the court of record in  
22 which the conviction or judgment was had or bail or deposit was forfeited  
23 shall prepare and immediately forward to the department an abstract of the  
24 record of the court covering the case in which the person either:

25 1. Was convicted.

26 2. Was adjudicated to have committed a civil traffic violation.

27 3. Forfeited bail or deposit.

28 C. The person required to prepare the abstract shall certify that it  
29 is true and correct.

1           D. A report is not required for a conviction or civil adjudication  
2 involving the illegal parking or standing of a vehicle.

3           E. The abstract shall be made on a form furnished or in a manner  
4 prescribed by the department and shall include:

- 5           1. The name and address of the party charged.
- 6           2. The number, if any, of the driver license of the party charged.
- 7           3. The registration number of the vehicle involved.
- 8           4. The nature of the offense or civil traffic violation.
- 9           5. The date of the hearing, the plea, the judgment or whether bail or  
10 deposit was forfeited.
- 11           6. The amount of the fine, civil penalty or forfeiture.

12           7. THE LENGTH OF TIME OF ANY INCARCERATION ORDERED.

13           F. Each court of record shall also forward a like report to the  
14 department on the conviction of a person of homicide or aggravated assault  
15 resulting from the operation of a motor vehicle or any other felony in the  
16 commission of which a motor vehicle was used. To facilitate the preparation  
17 of the report, the sentencing minute entry that is issued by the court shall  
18 indicate if the person was convicted of an offense that required the  
19 mandatory revocation of a driver license pursuant to section 28-3304,  
20 subsection A, paragraph 1, 3, 4, 5 or 6.

21           G. The department shall keep all abstracts received under this section  
22 for inspection as required by law.

23           H. Each judge, referee, hearing officer, probation officer or other  
24 person responsible for the disposition of cases involving traffic offenses or  
25 civil violations committed by persons under eighteen years of age shall:

26           1. Keep a full record of each case in which the person is charged with  
27 a violation of chapter 3 or 4 of this title or this chapter or any other law  
28 regulating the operation of vehicles on highways.

29           2. Report the offense or civil violation to the department at its  
30 office in Phoenix not more than thirty days after the date on which it was  
31 committed, except that a report is not required for parking violations or if  
32 it is found that the offense or civil violation was not committed.

1 I. The report required by subsection H of this section shall:

2 1. Be made on a form furnished or in a manner prescribed by the  
3 department.

4 2. Contain:

5 (a) All necessary information as to the identity of the offender.

6 (b) The citing or arresting agency.

7 (c) The date and nature of the offense or civil violation.

8 (d) The date of the hearing, the plea, the judgment or whether bail or  
9 deposit was forfeited.

10 (e) The amount of the fine, civil penalty or forfeiture.

11 J. Failure, refusal or neglect of a judicial officer to comply with  
12 this section is misconduct in office and grounds for removal from  
13 office.”Renumber to conform

14 Page 1, line 35, after “OR” insert “SECTION”

15 Page 2, between lines 19 and 20, insert:

16 “H. BEGINNING JANUARY 1, 2009, NOTWITHSTANDING ANY OTHER LAW, IF A  
17 PERSON IS SENTENCED TO A TERM OF INCARCERATION FOR A MOVING VIOLATION AND  
18 THAT PERSON’S DRIVER LICENSE IS SUSPENDED AS A RESULT OF THE CONVICTION, THE  
19 PERIOD OF SUSPENSION BEGINS AFTER COMPLETION OF THE TERM OF INCARCERATION AND  
20 THE DEPARTMENT SHALL NOT REINSTATE THAT PERSON’S DRIVER LICENSE UNTIL THE  
21 PERSON PROVIDES PROOF THAT THE PERSON HAS BEEN RELEASED FROM CONFINEMENT FOR  
22 AT LEAST THE PRESCRIBED PERIOD OF SUSPENSION.”

23 Reletter to conform

24 After line 21, insert:

25 “Sec. 3. Effective date

26 Section 28-1559, Arizona Revised Statutes, as amended by this  
27 act, is effective from and after December 31, 2008.”

28 Amend title to conform

3/11/08  
8:53 AM  
BT/mh